

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

FLAGSTAR BANK, FSB,  
Plaintiff,

V.

Civil No. 3:21cv568 (DJN)

KEITER, STEPHENS, HURST, GARY  
& SHREAVES, *A Professional Corporation*  
*d/b/a Keiter CPA*  
Defendant.

## ORDER

Plaintiff Flagstar Bank, FSB (“Flagstar”) brings this action against Defendant Keiter, Stephens, Hurst, Gary & Shreaves, A Professional Corporation d/b/a Keiter CPA (“Keiter”) alleging fraud, aiding and abetting fraud, and negligent misrepresentation arising from Keiter’s audits of non-party Live Well Financial, Inc. from 2015 to 2019. This matter now comes before the Court on the Motion to Dismiss (the “Motion” (ECF No. 9)) filed by Keiter.

For the reasons set forth in the Memorandum Opinion accompanying this Order, the Court hereby GRANTS IN PART and DENIES IN PART Defendant's Motion. Specifically, the Court DENIES Defendant's Motion as to Count One of the Complaint (ECF No. 1). However, the Court GRANTS Defendant's Motion as to Counts Two and Three.

Let the Clerk file a copy of this Memorandum Opinion electronically and notify all counsel of record.

It is so ORDERED.

Richmond, Virginia  
Date: January 13, 2022

\_\_\_\_\_/s/\_\_\_\_\_  
David J. Novak  
United States District Judge